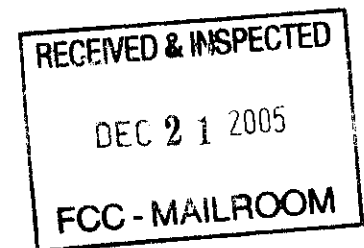


December 14, 2005

FCC Office of the Secretary
445 12th Street SW
Washington, CD 20554



RE: CC Docket No. 02-6

Entity appealing:

DOCKET FILE COPY ORIGINAL

Malone
202 West Apple
Malone, Texas 76660
Fax: 254-533-5660
Phone: 254-533-2321
Email address: lbuffe@malone.k12.tx.us

Decision appealed:

Funding Year: 2005
Date of document: 08/04/2005; 10/18/05
471 Application #: 458773
Applicant's Form Identifier: 4710506

Additional Explanation:

Malone ISD respectfully appeals the Certification Postmarked Outside of Window decision.

Malone ISD made a good faith effort to meet all deadlines regarding the filing of Form 471, the Block 6 Certification pages and Item 21 Attachments. Specifically, the Form 471 was submitted electronically on February 11, 2005. The Authorized Person, Linda Buffe, signed and dated the Block 6 Certifications and Signature page on February 15, 2005. The Block 6 Certifications and Signature page was faxed to USAC on February 18, 2005 in order to certify the application before the February 18th 11:59 pm deadline. On July 19, 2005, a SLD representative contacted Malone ISD requesting them to fax in one of the Block 6 Certification pages.

Because Malone ISD met all deadlines and because SLD has requested Block 6 by fax, Malone ISD is requesting SLD to certify the application within the filing window.

Sincerely,

MALONE INDEPENDENT SCHOOL DISTRICT

Attachments:
February 18, 2005 correspondence
July 19, 2005 & July 21, 2005 correspondence

No. of Copies rec'd 0
List A B C D E

February 18, 2005

TO: SLD - 471 Certification page 888-276-8736

From: Malone ISD

Entity # 141117

app # 458773

attached 2 pages signed Certification pg

Entity Number 141117Applicant's Form Identifier 4710506Contact Person Linda Buffe

Phone Number _____

Block 6: Certifications and Signature24 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

- a ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

25 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a	Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23i on all Block 5 Discount Funding Requests.)	1 7 0 2 6 . 8 0
b	Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	1 5 3 2 4 . 1 2
c	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	1 7 0 2 . 6 8
d	Total budgeted amount allocated to resources not eligible for E-rate support	0 . 0 0
e	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	1 7 0 2 . 6 8
f	Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.	

26 ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a an individual technology plan for using the services requested in this application; and/or
- b ☒ higher-level technology plan(s) for using the services requested in this application; or
- c no technology plan needed; applying for basic local and long distance telephone service only.

27 ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

28 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s), or any representative or agent thereof or any consultant in connection with this request for services.

30 ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.



0 4 7 0 0 1 0 1 0

Entity Number 141117

Applicant's Form Identifier 4710506

Contact Person Linda Buffe

Phone Number

- 31 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- 32 ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- 33 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
- 34 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- 35 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible components as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1), (2).
- 36 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
- 37 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38 Signature of authorized person

Linda Buffe

39 Date

02 / 5 / 2005

40 Printed name of authorized person

L i n d a B u f f e

41 Title or position of authorized person

S u p e r i n t e n d e n t

42a Street Address, P.O. Box, or Route Number

P O B o x 3 8

2 0 2 W e s t A p p l e

City

M a l o n e

State Zip Code

T X 7 6 6 6 0 0 0 3 8

42b Telephone number of authorized person

Ext

42c Fax number of authorized person

2 5 4 5 3 3 2 3 2 1

2 5 4 5 3 3 5 6 6 0

42d E-mail address of authorized person

l b u f f e @ m a l o n e . k 1 2 . t x . u s



0 4 7 0 0 1 0 1 0

Tuesday 19 of Jul 2005,

->254 533 5680

Page 2 of 2

From: Daniel Boswell**Pages:** 1**Date:** 07/19/05☒ **Urgent!** ☐ **For Review** ☐ **Please Comment** ☒ **Please Reply!** ☐ **Please Recycle**

Linda Buffe,

We are making this contact with you to obtain the necessary information to successfully data enter your Form 471 Services Ordered and Certification Form, application number 458773. Here is the information we need from you so that we may complete data entry of your application for E-Rate Discounts:

We received two out of the three required pages to certify your form 471. The first page includes items 24-30. Please fax a copy of that page to me

Please make these corrections to your form and fax to my attention at 888-276-8736 or email the corrections to my attention at sld-problem-resolution@pearson.com. Please reference the application number or form identifier and include your full name and title in all correspondences. If you have any questions, please call me at 888-203-8100 and reference case number 21-282049.

It is important that we receive all of the information requested so that we can finish processing your form. If you are unable to provide the requested information because your school has closed or will shortly close for summer break, please let me know when you will be available to respond to these questions.

If we do not receive the information within seven calendar days, your application will be reviewed using the information currently on file

Thank you,

Daniel Boswell
Client Service Bureau/Problem Resolution
Schools and Libraries Division
Help Line: (888) 203-8100
Fax: (888) 276-8736
E-Mail: sld-problem-resolution@pearson.com



Malone Independent School District

Linda Bullock, Superintendent

202 W. Apple St., P.O. Box 38, Malone, TX 76660

Phone: 254-533-2321/2375 Fax: 254-533-5660

www.malone.k12.tx.us

FAX SHEET

"Home of the Mustangs!"
To: Daniel Boswell

From: Malone ISD

Fax: 888-276-8736

Pages: 2 including cover page

Phone:

Date: 7/21/05

Re:

CC:

Regarding:

Form 471 Certification

Application ID: 4710506

PR Case ID #21-282049 DB

Attached is page 1 of the certification page.

Board of Trustees

David Bow, Gary Freels, Larry Hancock, Ray Loewe, Enereo Pineda, Joe Symank, Charles Trompler

Entity Number 141117Applicant's Form Identifier 4710506Contact Person Linda Buffe

Phone Number _____

Block 6: Certifications and Signature

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0 4 7 0 0 1 0 1 0